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FOR THE SIXTH CIRCUIT  
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POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OHIO 45202-3988

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U.S. COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

Re: No. 04-3223  
Sayyah vs. Waynoka Property  
 District Court Case No. 01-00459

Dear Counsel:

An appeal has been docketed today as case number 04-3223. However, it appears that a motion of the type specified in Fed. R. App. P. 4(a)(4) remains pending in the lower court. Until the motion receives a ruling by the district judge, the notice of appeal is ineffective to appeal from the judgment or order, according to the Federal Rules of Appellate Procedure as amended on December 1, 1998.

This case will be held in abeyance until the order disposing of the motion is filed and jurisdiction has transferred to the court of appeals. Until that time, no motions will be accepted for filing in

this court. Once the court of appeals has jurisdiction, the appeal will then proceed in the normal course and you will receive additional instructions from the clerk's office.

The clerk of the district court is instructed to provide this court with a current copy of the docket sheet every 30 days as a status report, beginning as of this date.

Motion to reconsider pending, filed on 12/17/03.

Michelle M. Davis  
Case Manager

cc:

Mr. James A. Bonini  
Honorable Walter H. Rice